GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

HIGHER EDUCATION DEPARTMENT – THE ANDHRA PRADESH UNAIDED NON-MINORITY PROFESSIONAL INSTITUTIONS [REGULATION OF ADMISSIONS INTO UNDER-GRADUATE AND PHARM-D (DOCTOR OF PHARMACY) PROFESSIONAL COURSES THROUGH COMMON ENTRANCE TEST] RULES, 2011- AMENDMENT-ORDERS-ISSUED.

HIGHER EDUCATION (EC.2) DEPARTMENT

Go Ms. No.32 **Date: 27/08/2022**

Read the following:-

1) G.O.Ms.No.74, Higher Education (EC.2) Dept., Dt.28.07.2011.
2) G.O.Ms.No.93, Higher Education (EC.2) Dept., Dt.16.08.2011.
3) G.O.Ms.No.47, Higher Education (EC.2) Dept., Dt.19.07.2012.
4) G.O.Ms.No.60, Higher Education (EC.2) Dept., Dt.28.08.2012.
5) Order dt.20-8-2007 in WP No. 16290/2007 and batch
6) G.O.Ms.No.66, Higher Education (EC.2) Dept., Dt.3-9-2012
7) Order dt. 20-8-2013 W.P. No.27777 of 2012 and batch
8) G.O.Ms.No.42, Higher Education (EC.A2) Dept., Dt.5-8-2014
9) G.O.Ms.No.47, Higher Education (UE) Dept., Dt.19-9-2019
10) G.O.Ms.No.20, Higher Education (EC) Dept., Dt.20-04-2021
11) G.O.Ms.No.48 Higher Education (EC) Dept.,Dt.4-9-2021
12) G.O.Ms.No.8, Higher Education (EC) Dept., Dt.18-02-2022.

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ORDER:

The Government observed that in the year 2007 one Mr. M.Ratin and others have filed Writ Petition No.16290 and batch of 2007 before the Hon'ble AP High Court alleging that they had approached certain reputed Engineering Colleges in the State for admission forms but in vaina as they were denied the admission forms. The Hon'ble AP High Court, while disposing the said batch of petitions, on 28-07-2007, has directed interalia, as follows:

i. ***"Respondent No.2 (AP State Council of Higher Education), which is the Competent Authority to approve the list of admissions in respect of Category 'B' seats shall issue operating guidelines to effectuate Rule-6(ii)(1)of the Rules.***

ii. ***Respondent No.2 shall actively oversee the process of admissions by the unaided non-minority private managements from the time of commencement of the process till the approval of the list submitted by the colleges and shall take appropriate action wherever it finds that the colleges indulged in violation of the Rule either by not following the procedure in the proposed operating guidelines or by denying seats to students with superior merit and who have duly applied for seats."***

Further, the charging of capitation fee is also prohibited under the A.P. Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act,1983.

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It has come to the notice of the Government that a majority of the managements of the private un-aided professional colleges are not following a fair and transparent procedure to fill up the Category-B seats. There are instances where the management of the colleges have failed even to supply the application form to the eligible meritorious candidates, thereby preventing them from applying for admission, for reasons best known to them. Some instances are brought to the notice of the Government wherein admissions are alleged to have been completed even before the formal date of notification, besides the charging of exorbitant donations.

Further, under the present system of admissions to the Category-B seats in colleges, the hopeless students have to physically and repeatedly go around colleges, fill up forms manually and deposit the application forms with the college managements. Though some colleges have websites, the system, at present, entails a lot of difficulty to the candidates who come from all regions of the State & have to visit to each & every college where they are seeking admission to deposit the application form. This is an anachronism as in this age of Information Technology, there is no need for the candidates to travel from different regions to each and every college just to submit the application. Information Technology and minimization of the user interface can make the admission process for Category-B seats more transparent & serve the twin objective of merit and transparency envisaged in several orders of the Hon'ble Supreme Court and the State Government's legislations. The online filling of applications will enable students to upload their applications with easy & certainty, besides ensuring that the stated principles of merit and transparency are ensured in the admissions to category-B seats.

In view to streamline the admission process in the interest of students, Government have decided to issue guidelines for admission into category-B seats in Private un-aided non-minority Professional Institutions to ensure admissions to the eligible meritorious candidates in a fair, transparent and non-exploitative manner and in the public domain.

Although the Government is issuing these guidelines, due care is taken to ensure that the right to administer the admissions is vested with the managements of the said colleges. The role of the Government is that of facilitation to ensure that the admissions are in a fair, transparent and non-exploitative manner & based on transparency and merit in the public domain. The college managements shall be solely responsible for the admission process to Category-B seats.

To this effect the Competent Authority will facilitate the setting up of a web portal to enable the managements of all colleges in the State to conduct the admission process online in a workflow based system which will be fully transparent and on the public domain giving little scope for complaints. The college managements will be solely responsible for porting all data relating to seats, fee structure, procedure, online application form etc., for seeking seats by students and process the merit lists of admissions, as envisaged in several judgments of the Apex Court.

The web portal established by the Competent Authority will only enable that all admissions are carried out transparently and in the public domain besides facilitating students to seek for admissions to Category-B seats at one place and usher in a regime of merit and transparency for students and colleges and dispel any doubts or apprehensions on the admission process.

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In pursuance of the objective to bring forth a clear set of transparent rules regulating the process of admission for the above-mentioned courses and in the light of the Judgments of the Hon'ble Courts, it is decided by the Government to restore the Rules, which were in vogue and implemented for a substantial period of time without affecting the process of merit-based admissions and at the same time securing powers of regulatory oversight by the statutory agencies. It is therefore decided to rescind the G.O.Ms.No.48, dated 4.9.2021 and restore the Andhra Pradesh Unaided Non-minority Professional Institutions [Regulation of Admissions into Under-graduate and Pharm-D (Doctor of Pharmacy) Professional Courses through Common Entrance Test] Rules, 2011 issued vide the G.O.Ms.No.74, dated 28.7.2011 as amended vide G.O.Ms.No.66, dated 3.9.2012,G.O.Ms.No.42, dated 5.8.2014 and G.O.Ms.No.20, dated 20-04-2021 and duly incorporating certain amendments to the said Rules as mentioned below in tune with the G.Os 9th and 12th cited above. The 6(ii) of the said Rules as they stand today subject to the following notification are enclosed as an Annexure to this notification.

2. Government after careful examination of the matter, hereby issue the following Notification which shall be published in the Andhra Pradesh Extra-Ordinary Gazette:-

NOTIFICATION

3. In exercise of the powers conferred by sections 3 and 15 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 (Act 5 of 1983) and in supersession of the amendments notified vide the G.O.Ms.No.48, Higher Education (EC) Dept., dated 4.9.2021, the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Unaided Non-Minority Professional Institutions [Regulation of Admissions into Under-graduate and Pharm-D (Doctor of Pharmacy) Professional Courses through Common Entrance Test] Rules, 2011 issued in GO.Ms.No.74, Higher Education (EC.2) Department, dt 28.07.2011 and as subsequently amended vide G.O.Ms.No.66, Higher Education (EC) Dept., dated 3.9.2012, G.O.Ms.No.42, Higher Education (EC) Dept., dated 5.8.2014 and G.O.Ms.No.20, Higher Education (EC) Dept., dated 20-04-2021.

AMENDMENTS

In the said Rules, wherever for the words and/or expression -

i.

a. "EAMCET", the expression "EAPCET" shall be substituted;

b. "AFRC", the expression "APHERMC" shall be substituted;

c. "Admissions and Fee Regulatory Committee", the words and expression "Andhra Pradesh Higher Education Regulatory and Monitoring Commission" shall be substituted; and

d. "JEE (Mains)", the words and expression "JEE (Mains) / NEET" shall be substituted.

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(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SYAMALA RAO J
PRINCIPAL SECRETARY TO GOVERNMENT

To
1. The Commissioner of Printing & Stationery, Vijayawada (with a request to publish in the next Ex-ordinary Gazette and supply 300 copies immediately)
2. The Member Secretary & CEO, A.P. Higher Education Regulatory and Monitoring Commission, Tadepalli, Guntur District.
3. The Chairman, A.P. State Council for Higher Education, Mangalagiri The Commissioner of Collegiate Education, A.P., Vijayawada
4. The Secretary, A.P. State Council for Higher Education, Mangalagiri The Commissioner of Collegiate Education, A.P., Vijayawada
5. The Special Commissioner of Technical Education, A.P., Vijayawada
6. All Vice-Chancellors of Universities in the State
7. All the Registrars of Universities in the State

Copy to:-
The P.S. to Secretary to C.M.
The Law Department, AP. Secretariat.
The OSD to Minister (Education)
The P.S. to Principal Secy.to Govt., Higher Education Department.
SF/SCs.

//FORWARDED:: BY ORDER

SECTION OFFICER

ANNEXURE

Annexure to G.O.Ms.No.32, Higher Education (EC.2) Dept., Dt:26.08.2022

6(ii) TO FILL UP CATEGORY-B SEATS (30%):

1. **The Institution shall conduct Admissions to the seats available as specified below:**

   i. The Institution shall not issue notification and receive the applications until the EAPCET admission notification is issued by the Competent Authority. In the interests of students, the Competent Authority may suggest dates for different milestones in the admission process.

   ii. The institutions that are approved by All India Council for Technical Education are permitted to fill NRI seats not exceeding 15% of the sanctioned intake in each course for the academic year shall admit NRI candidates (sons and daughters of NRIs) who have passed the qualifying examination with not less than 50% marks in the prescribed group subjects or 50% aggregate marks in the qualifying examination or Cumulative Grade Point Average (CGPA) equivalent to 5 on a scale of 10.

   iii. The remaining seats quota shall be filled on merit basis with candidates including from other States and Union territories who have secured rank at JEE (Mains) / NEET and secured not less than 45% of marks in the prescribed group subjects in the qualifying examination.

   iv. The seats remaining unfilled from (ii) and (iii) above shall be filled with eligible candidates, who have qualified the EAPCET examination on merit basis following eligibility criteria laid in rule (4) of these rules.

   v. Thereafter, if any seats still remain unfilled such seats may be filled on merit basis with candidates securing not less than 45% (40% in case of candidates belonging to reserved categories) of marks in the prescribed group subjects taken together/aggregate marks in the qualifying examinations, as prescribed.

2. **The Institutions shall follow the procedure mentioned below to conduct the Admissions:**

   i. The Competent Authority shall facilitate the setting up of a web portal which will act as a "Single Window for Category 'B' seats" for both the Colleges and the Students for filling up of the "Category- B" seats.
   ii. Each college will be provided a Unique ID and password to port its data relating to the category 'B' seats in the said portal.
   iii. Subsequently, all colleges will be provided with a digital signature to ensure secure access of their operations.
   iv. The colleges shall port all the relevant data regarding the Category "B" seats, branch wise as provided in the said web portal.
   v. Once the data is finally entered by the managements no change shall be permitted.

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vi. The web portal shall provide the students, the facility for making online applications for the Category 'B' seats. A printable/recordable electronic acknowledgement shall be provided to the student on successful uploading of his online application. This will dispense with the need for the student to physically visit each and every college besides ushering in transparency. The students shall also be provided an option to submit their applications, in person, at the college of their choice. In such cases, the managements shall upload the applications in the web portal and provide the system-generated acknowledgement to the concerned students.

vii. The management of the Colleges shall notify the details of courses offered with intakes, schedule of admissions(date wise), registration fee for the application, minority or non-minority status in leading news dailies one in each language i.e., English, Telugu & Urdu & which will also be uploaded on the web portal hosted by the Competent Authority.

viii. The Competent Authority will suggest a time schedule with dates for such notification to enable the students to opt for category 'B' seats uniformly across the state. All admissions to the category 'B' seats will be completed during the suggested time period.

ix. On the dates as suggested by the Competent Authority, the web portal will be opened for all students desirous of seeking admissions to Category 'B' Seats in all Private Un-Aided Professional colleges in the State. Candidates can apply to colleges of their choice by visiting the portal only during the suggested dates by the Competent Authority.

x. A candidate can select any of the college/colleges and apply online or in person for seeking admissions to Category 'B' seats of college/colleges after paying the requisite registration fees as notified by the college.

xi. The candidate can also give his order of preference for admission to a college by giving the order of preference among the courses offered by the college in the application form. Only one form needs to be filled for a college regardless of the number of options.

xii. The candidate can apply for more than one college by visiting the respective website of colleges and apply online or in person after paying the registration fees specified for each college.

xiii. No new application will be accepted after the closing date of admissions to the college.

xiv. The Management of the college will solely upload the data of both applications received online and in person and a combined list of such applications shall be prepared and administer the selection process as per the admission procedure specified. Each college will be permitted to download the data of the applications received and pertaining to it, after the closing date as suggested by the Competent Authority.

xv. Thereafter, the college can at its option use the online merit generation facility available on the web portal. The merit list generated will be in order of NRI quota(if available), JEE (Mains) / NEET rankers, EAPCET rankers & qualifying examination in order of merit as prescribed in Rule 6 (ii) (1) of these rules.

xvi. The selection of candidates will be done by the college managements themselves, as per the merit of the candidates. The management of the college has an option to call upon the selected candidates to appear in person for interview to substantiate their credibility and financial capacity to its satisfaction. In the event of the management finding that any of the selected candidates is not suitable for admission, the management shall be at liberty to reject the candidature of such candidates and the reasons should be communicated to the Competent Authority.

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xvii. The selection list, after selection process is completed by the management of respective colleges as per the prescribed norms will be uploaded by the managements on the web portal and be transmitted online to the Competent Authority.

xviii. The Competent Authority will verify the list of the selected candidates and validate the same with reference to the G.O.s and the procedure prescribed through an online cross verification procedure based on applications received by a college.

xix. The Competent Authority shall approve the validated list if found tallying by the cross validation process or reject the lists if found to be at variance to the rules and procedures prescribed, and communicate the same to the concerned colleges for compliance.

xx. In case of unfilled seats if any, the concerned colleges will admit candidates from out of the left over candidates in order of merit from the merit list. After completion of the admission process, the college management will forward the list of admitted candidates for approval by the Competent Authority as per the prescribed schedule.

xxi. Applications of candidates not fulfilling the required conditions during the online cross validation of the list by the Competent Authority will summarily be rejected.

xxii. The Competent Authority shall open a helpline to assist the candidates and college managements to sort out their grievances and provide technical support if needed.

xxiii. The Competent Authority will issue detailed operational guidelines for using the web portal besides prescribing a fee for usage of the portal by the managements of colleges and applicants.

xxiv. The Management shall collect the Tuition fee as prescribed by the Government for category 'B' seats and any excess fee collected will amount to capitation fee and Managements are liable for action under A.P. Educational Institutions (Regulation of Admissions and Prohibition of Capitation fee) Act, 1983.

xxv. Any complaint/appeal against the selection shall be made to the Andhra Pradesh Higher Education Regulatory and Monitory Commission (APHERMC).

xxvi. The managements shall comply with the above instructions and failure in implementing the same shall entail actions as per the relevant Acts and Rules in force.

SYAMALA RAO J
PRINCIPAL SECRETARY TO GOVERNMENT